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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,638	08/28/2003	Fabio Giannetti	300203301-2	7474

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EXAMINER	
SWEARINGEN, JEFFREY R	

ART UNIT	PAPER NUMBER
2145	

NOTIFICATION DATE	DELIVERY MODE
10/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/650,638	GIANNETTI ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/30/2008 have been fully considered but they are not persuasive.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. Applicant argued that the combination of Li and Kraus failed to disclose *labelling the choices of content for a web page to indicate to a server approved combinations of content for the first content portion of the web page with content for the second content portion of the same web page, wherein the web page is produced for serving to a requesting user by incorporating an approved combination of content for the first content portion of the web page and the second content portion of the same web page*. Kraus disclosed putting different combinations of content into a framed web page. Kraus, Figure 11 disclosed a Frameset of a series of frames in which to add content. Figure 12A disclosed checking for modifications in the Frameset, or "combinations of content". Kraus, column 4, lines 31-42 discloses describing the frames as a "nested hierarchy of parent and child objects, each of which represents one of the frames." The parent and child objects here are labels of choices for content. Further see figure 3 of Li, where Document W uses three items 120 of content labeled Ai to create a customized document. Each item Ai (where i is understood to one in the art to be the ith member of the A array) is adapted into a customized document.

4. Applicant argued that the combination of Li and Kraus failed to disclose *a content defining tool for defining at least two choices of content which may be styled, for a first content portion of the document and at least two choices of content, which may be styled, for a second content portion of the document;* and *a labeling tool which permits an author to label the choices of content to indicate to a server allowable combinations of content for the first content portion with content for the second content portion of the same document*. Kraus disclosed putting different combinations of content into a framed web page. Kraus, Figure 11 disclosed a Frameset of a series of frames in which to add content. Figure 12A

disclosed checking for modifications in the Frameset, or "combinations of content". Kraus, column 4, lines 31-42 discloses describing the frames as a "nested hierarchy of parent and child objects, each of which represents one of the frames." The parent and child objects here are labels of choices for content. Further see figure 3 of Li, where Document W uses three items 120 of content labeled Ai to create a customized document. Each item Ai (where i is understood to one in the art to be the ith member of the A array) is adapted into a customized document.

5. Applicant argued that the combination of Li and Kraus failed to disclose *a content defining section defining at least two choices of content for the document, which may be styled, for a first content portion of the document and at least two choices of content, which may be styled, for a second content portion fo the same document; and a label section which includes labels corresponding to choices of content, each label indicating to a server an allowable combination of content for the first content portion with content for the second content portion of the same document, wherein the document is produced for serving to a requesting user by incorporating an approved combination of content for the first content portion of the document and the second content portion of the same document.* Kraus disclosed putting different combinations of content into a framed web page. Kraus, Figure 11 disclosed a Frameset of a series of frames in which to add content. Figure 12A disclosed checking for modifications in the Frameset, or "combinations of content". Kraus, column 4, lines 31-42 discloses describing the frames as a "nested hierarchy of parent and child objects, each of which represents one of the frames." The parent and child objects here are labels of choices for content. Further see figure 3 of Li, where Document W uses three items 120 of content labeled Ai to create a customized document. Each item Ai (where i is understood to one in the art to be the ith member of the A array) is adapted into a customized document.

6. Applicant's amendment to overcome the 101 rejection has triggered an objection to the specification.

Specification

7. The amendment filed 6/30/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as

follows: Applicant amended claims 23-24 to allow for a computer readable storage medium. A computer readable storage medium is not defined within the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (US 6,345,279) in view of Kraus et al. (US 6,266,684).

10. In regard to claim 1, 18, 23, Li disclosed a method of adapting content to multiple devices based upon the ability of the device to receive the content. Li, column 2, lines 28-39. Li, column 6, lines 8-29. (*defining at least two choices of content which may be styled for a first content portion of the document; defining at least two choices of content which may be styled for a second content portion of the document; labelling the choices of content for a web page to indicate to a server approved combinations of content for the first content portion of the web page with content for the second content portion of the same web page, wherein the web page is produced for serving to a requesting user by incorporating an approved combination of content for the first content portion of the web page and the second content portion of the web page.*) Li disclosed the serving of the web page, but failed to disclose the authoring of web content.

11. Kraus, in the analogous field of web pages with multiple types of content, disclosed a web authoring system allowing for multiple kinds of content to be added to a web page. Kraus, column 2, lines 55-67. It would have been obvious to one of ordinary skill in the art at the time of invention that any web page used by Li would have to be created by some sort of programming or software, and that Kraus was a system of creating web pages that would be usable with Li in order to create the appropriate web content for Li to display.

12. In regard to claim 2, Kraus further disclosed *the step of labelling the choices of content to indicate approved combinations is performed manually by an author.* Kraus taught the insertion of web resources into a web page. Kraus, column 5, lines 31-61.

13. In regard to claim 3, 24, Li further disclosed *an additional step of arranging allowable choices into class sub-sets, each class sub-set including only those labeled choices which match properties of a class of devices on which a web document is to be rendered.* Li, column 6, lines 3-7; lines 42-48.

14. In regard to claim 4, Li further disclosed *defining more than one class sub-set of the allowable choices.* Li, column 6, lines 3-7; lines 42-48.

15. In regard to claim 5, 22, Li further disclosed *receiving properties of a device requesting a web document and selecting from a sub-class of combinations which includes a device requesting the document a set of content which matches the properties of the requesting device.* Li, column 6, lines 8-29; lines 42-48.

16. In regard to claim 6, Li further disclosed *the properties comprise physical properties of the device.* Li, column 6, lines 10-15.

17. In regard to claim 7, Li further disclosed *applying a set of rules to the content forming each combination in order to determine if the combination is allowable.* Li, column 6, lines 8-29; lines 42-48.

18. In regard to claim 8, Li further disclosed *a rule which is used comprises checking that the combination of content for the first and second portions fits within a minimum and/or a maximum area available on all of the devices within the class for rendering the content portions.* Li, column 6, lines 8-29; lines 42-48.

19. In regard to claim 9, Li further disclosed *a different rule which may be applied is to check if all of the content for the combination can be rendered by all of the defined devices within a class.* Li, column 6, lines 8-29; lines 42-48.

20. In regard to claim 10, Li further disclosed *the class of devices comprises PDA devices, or PCs or WAP enabled devices.* Li, column 6, line 18.

21. In regard to claim 11, Kraus further disclosed *a web document which is authored comprises a web page, a portion of a web page or a set of web pages which are related to one another in some way.* Kraus, column 5, lines 31-61.

22. In regard to claim 12, Kraus further disclosed *a choice of content is provided as a separate file or a sub-file of a single file.* Kraus, column 5, lines 31-61.

23. In regard to claim 13, Kraus further disclosed *authoring new content.* Kraus, column 2, lines 56-57.

24. In regard to claim 14, Li further disclosed *providing a preference to each approved combination indicating which combination should be used in preference to another combination should more than one combination be suitable for sending to the requesting device.* Li, column 6, lines 20-29; lines 42-48.

25. In regard to claim 15, Li further disclosed *the preference is to ensure that a largest size content is always used for the given property of the requesting device.* Li, column 6, lines 8-29; lines 42-48.

26. In regard to claim 16, Li further disclosed *labels for the approved combinations are used to indicate the preference.* Li, column 6, lines 20-29; lines 42-48

27. In regard to claim 17, Li further disclosed *transmitting to the device making the request for a web document which includes one of the approved combinations included in the class-subset containing the requesting device which is best suited to that device.* Li, column 6, lines 42-48.

28. In regard to claim 19, Kraus further disclosed *the content defining tool comprises an editor which permits the author to define an identity and location of existing content choices and/or to author new content.* Kraus, column 5, line 31 - column 6, line 22.

29. In regard to claim 20, Kraus further disclosed *the labelling tool is adapted to render automatically selected choices for the author or other user and request the author or used to indicate if the combination is approved.* Kraus, column 5, line 31 - column 6, line 22.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

31. Niyogi et al. US 7,428,725

32. Rising, III et al. US 7,398,275

33. Schechter et al. US 7,380,250

34. Yang et al. US 7,093,001

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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